

CURRENT POLICY ISSUES

Criminal Justice Policy and Budget Issues

Florida, like many other states, has experienced budget shortfalls in recent years. The Department of Corrections' budget comprises more than half of the entire Criminal & Civil Justice budget – the bulk of those funds being used to house, clothe, feed, and provide health care to inmates. With the prison population steadily growing, the Legislature is researching ways in which it can decrease prison costs and reduce recidivism while increasing public safety.

Sex Offenders -- Residency Restrictions

During the 2004 session, section 794.065, F.S., was created which made it unlawful for a person convicted on or after October 1, 2004, of a specified sexual battery or lewd or lascivious offense, against a victim under the age of 16 from living within 1,000 feet of a school, day care center, park or playground. In recent years, a large number of cities and counties throughout the state have passed local ordinances designed to restrict where people who have been convicted of a sexual offense can live. According to the Department of Corrections, as of October 19, 2009, there were 148 such local ordinances. Generally, the ordinances appear to be modeled after section 794.065, F.S., but extend the distance from 1,000 feet to 2,500 feet or more. On November 3, 2009, OPPAGA presented before the House Public Safety & Domestic Security Policy Committee and stated studies have found no empirical evidence linking where sex offenders live and where or whether they reoffend. OPPAGA also stated that current research has found that residency restrictions may hamper reintegration into the community. In recent years, bills have been filed that would preempt local residency restrictions so that only the state restriction of 1,000 feet would be enforced.

UPCOMING ISSUES

Immigration: In light of the Arizona illegal immigration legislation, similar proposals are likely to be considered in the upcoming Legislative Session.

Parole for Juveniles: This summer, the U.S. Supreme Court ruled that it is considered cruel and unusual punishment to sentence a juvenile convicted of a non-homicide offense to a life sentence without the possibility of parole. Accordingly, the Legislature is researching different ways in which Florida can comply with the Court's decision.

Environmental Crimes: With the recent Deepwater Horizon incident, the Legislature is evaluating the adequacy of the criminal and civil penalties that apply to environmental crimes.

RECENT LEGISLATIVE ACTIVITY

Recent Legislation:

- Created a new 1st degree misdemeanor offense for any sexual offender, where the victim was under 18 years of age, if they loiter or prowl within 300 feet of a place where children congregate. HB 119 (2010)
- Increased the length of time from 5 years to 7 years between subsequent interview dates for parole eligible inmates convicted of certain violent crimes. HB 261 (2010)
- Expanded post adjudicatory treatment-based drug court programs as a sentencing option for a limited, specified group of nonviolent felony defendants and offenders. This bill could have a positive fiscal impact on the Department of Corrections resulting from fewer new commitments to state prison. Savings are estimated to be approximately \$11.8 million. SB 1726 (2009)
- Substantially rewrote Florida's background screening requirements and procedures of persons and businesses that deal primarily with vulnerable populations. HB 7069 (2010)

Florida House of Representatives

CRIMINAL JUSTICE



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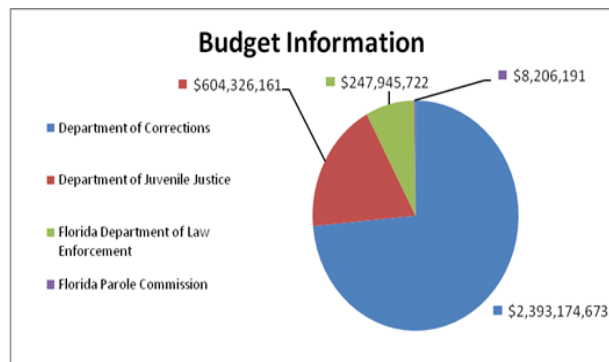
DEPARTMENT OF CORRECTIONS

- Current Inmate Population: **102,247**
- Probation and Community Control Population: 157,222 offenders under the supervision of DOC.
- **Death Row Statistics:** As of August 20, 2010, there were 392 men and 1 woman on death row. Average length of stay on death row prior to execution is 12.68 years. Since the reinstatement of the death penalty in 1976, Florida has executed 69 inmates.

Facilities Operated by the Department of Corrections			
Facility Type	Total	Male	Female
Correctional Institutions	62	56	6
Work Camps, Boot Camps, Stand Alone Work/Forestry Camps, Treatment Center	46	42	4
Work Release Centers	33	25	8
Road Prisons	5	5	0
Total Facilities	146	128	18
Contract Jail Beds	66	-	-

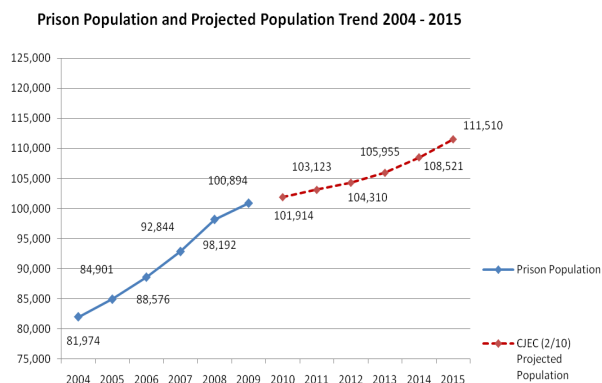
Recidivism Rates	
Type of Recidivism	Percent
Return to prison for any reason	32.8%
Return to prison for new offense	25.2%
Return to prison or state supervision (within FL DOC) for a new offense	39.6%

CRIMINAL JUSTICE



It costs **\$18,980 annually** to house an inmate at **\$52.00 per diem**.

- **Sexual Offenders:** 10,888 inmates are in prison for sexual offenses.
- There are currently more than 53,000 registered sexual offenders in Florida. Of these, approximately 8,000 are currently under supervision (e.g., probation, community control, etc.).



FLORIDA DEPARTMENT OF LAW ENFORCEMENT

- The Uniform Crime Report indicates the state's overall index crime rate has reached a 39-year low, declining by 6.4 percent in 2009, compared to 2008.

DEPARTMENT OF JUVENILE JUSTICE

- Detention Services \$133.8 million / 46,960 admissions.
- In FY 2008-09, DJJ operated 26 juvenile detention centers in 25 counties.
- Residential Commitment Services \$254.7 million / 10,123 youths served

FLORIDA PAROLE COMMISSION

- Sentencing guidelines enacted in 1983 abolished parole for those offenders who were sentenced for crimes committed on or after October 1, 1983.
- There are approximately 5,826 inmates currently eligible for parole consideration and approximately 450 inmates currently under parole supervision.
- The Parole Commission operates as the investigative arm of the Board of Executive Clemency, which is made up of the Governor and Cabinet.
- Clemency is a constitutionally authorized process that provides the means through which convicted felons may seek a full pardon; commutation of sentence; and restoration of civil rights.